

THE VERDICT MUST EITHER BE MURDER OR ACQUITTAL, NOT MANSLAUGHTER.

PROSECUTION OPENS ARGUMENT IN CASE

Denver, Colorado, June 28.—There is no manslaughter in this case, impressively said district judge Greeley M. Whitford, in reading the instructions to the jury in the case of Harold F. Henwood this morning. The court charged the jury that there were but three possible verdicts in the case.

First degree murder, second degree murder and acquittal. The jury was also directed that should its verdict be first degree murder a penalty should be fixed, either of life imprisonment or death. Should the verdict be second degree murder, the court imposed the penalty, which, under the Colorado statute is from 10 years to life imprisonment.

The elimination of manslaughter from the case caused attorney John T. Bottom, for the defense, to take exception. He stated to the court that he believed this should have been included.

The jury was charged that a shot fired with malice and premeditation, death resulting, although the shot was not directed against the person killed, constituted a crime of first degree murder. In other words, the accidental killing of George E. Copeland, for which Henwood is being tried, by a bullet intended for Sylvester Van Phul justifies a verdict of first degree murder, providing that Henwood intended, maliciously and premeditatedly to take Van Phul's life.

Admission of Threats. The court charged the jury that evidence of threats and gain plays on the part of Van Phul against Henwood, or previous quarrels between them, was admissible only to show the condition of Van Phul's mind at the time of the shooting, when Van Phul knocked down Henwood in the barroom of the Brown Palace hotel, but made no further attacks, and Henwood then fired, this was no self defense, and if Henwood fired "deliberately and premeditatedly" the crime was first degree murder.

"Intent" was defined as "intent to kill," and not to kill any particular person. The presumption of law is to the sanity of the defendant was explained, and reasonable doubt, which the court said, must amount to an "abiding conviction."

Henwood Recalled. Previous to the reading of the instructions, the court permitted attorney Bottom to recall Henwood to the stand for the purpose of identifying the so-called "Mabel" letter supposed to have been written by Van Phul from the Baltimore hotel in Kansas City. The letter was ruled out yesterday, and the court reaffirmed this action.

This letter contains a reference to a certain "double crosser" who was in the habit of visiting the ranch of John W. Springer, husband of the principal witness in the case. It threatened "to knock his block off." Both attorneys admitted that Henwood meant by the expression "double crosser," and the court held that this being the case the letter could have no bearing on the case.

Disconnection of Attorney John Horne Chiles opened the argument for the prosecution with a scathing denunciation of Henwood as the "destroyer" of the home of John W. Springer, a wealthy banker. He deprecated that maudlin public sentiment that would turn murderers loose to prey upon the public, and appealed to the jury to enforce the law, particularly in this case and render a verdict of murder in the first degree.

He pictured Henwood as a self constituted "hero and protector" who was "taken into the bosom of the family of John Springer, introduced to his wife, took advantage of his kindly courtesies and then destroyed the Springer home."

Mr. Chiles asserted that the firing upon Van Phul, which resulted in Van Phul's and Copeland's death, was the work of a man fired by jealousy, a man with "damnable hell fire in his heart." There was no justification, no defense, urged the assistant district attorney. Henwood, he said, was acting under a spirit of revenge.

Mr. Chiles dwelt upon the phase of the law which refuses a man to endeavor to avoid danger before he strikes a mortal blow.

He charged that Van Phul, after striking Henwood down in the barroom of the Brown Palace hotel, turned his back upon him, and that then Henwood began shooting. He argued that Henwood was in no immediate danger of his life, and therefore the plea of self defense could not stand.

EL PASO WILL HAVE SAME FOURTH

WASHINGTON PARK TO BE FIESTA SPOT

A safe, sane, patriotic and popular celebration of the Fourth of July will be held this year in El Paso.

Instead of the usual sweltering, tire-some parades and accompanying dangers of explosive canes, dynamite pistols and explosive fireworks, the celebration of Independence day will take the form of a "pop" concert for the 23rd infantry and fourth cavalry bands at Washington Park, Tuesday evening, July 4. This concert, to be given by the two military bands playing together, will be a popular testimonial by the people of El Paso to the two military bands which have furnished El Paso with two military band concerts each week free of charge.

Review of Troops. Preceding the concert proper, which will be given in front of the big grandstands at Washington Park, a review of the two regiments will take place in the infield with the officers commanding these splendid soldiers acting as the reviewing officers. The two bands will participate in this military evolution as a part of the safe and sane Fourth celebration and the joint concert, to be both popular and patriotic, will follow the maneuvers.

During the concert red and green fire will be burning constantly, giving a Fourth of July effect to the scene without the attendant danger and expense.

Concert a Testimonial. The admission charge to the park will be popular and tickets will be sold by committees in all parts of the city. All funds raised from the concert will be divided equally between the members of the two military bands as a substantial appreciation of the complimentary concerts that have been given in Cleveland square each Tuesday and Friday evening by the fourth cavalry and the 23rd infantry bands.

The colonels and their staffs will be the special invited guests at the concert and will occupy boxes in the main grandstand following the review on the infield.

Special Committee Named. A committee has been named by acting mayor J. I. Hewitt and J. G. McNary, president of the chamber of commerce, to arrange for the concert Tuesday evening. This committee is composed of W. W. Rose, L. E. Behr, Norman M. Walker, J. D. Ponder, Mr. Maynor Hewitt and Mr. McNary as ex-officio members.

A meeting will be held Wednesday to arrange for the details of the concert and to plan for the whirlwind ticket campaign, which will be in charge of the young women of the city. It is planned to sell every resident of El Paso at least one ticket to the testimonial concert for the bands which have done so much to make the spring and summer season so pleasant with their splendid music.

Because of the failure of the McGluthy cannon to arrive at the celebration in honor of the old gun has been postponed.

COMMENCEMENT AT HARVARD COLLEGE
Campus Alive With Alumni of Varying Ages From Many Places.

Cambridge, Mass., June 28.—Harvard college yard was alive today with alumni of varying ages who had returned to Cambridge to participate in the exercises connected with the 275th annual commencement of America's most venerable educational institution.

The commencement speakers included Tad Ashi Komatsu of Monmouth, Ill., candidate for the degree of master of arts.

At the conclusion of the addresses, president Lowell left his elevated stage under the canopy of the stage of the theater and seating himself in the ancient chair in which Harvard presidents have conferred degrees for two centuries, awarded the degrees.

ALL ENGLAND IS AFFECTED BY THE TIUP OF THE SHIPPING FACILITIES.

THOUSANDS OF MEN QUIT THEIR WORK

Liverpool, England, June 28.—Four thousand additional dock hands joined the strike today and work at the dock here is practically at a standstill. The Cunard, Canadian Pacific railway, Dominion, White Star, Ellerman and other combined lines are all equally affected.

There is no question of wages involved in this extension of the strike movement. The dock men are fighting simply for the recognition of their union and the nonemployment of non-unionists.

The crews of the Havreford, the Red Star line and other liners at the docks here deserted their vessels in sympathy with the wharf employees. The Havreford was due to sail for Philadelphia at noon.

Is Affecting Food Prices. London, England, June 28.—The shortage of butter and eggs, of which an enormous continental supply was held up at Hull by the seamen's strike, is affecting the prices of provisions in England.

Millers are giving notice to their employees to quit work in consequence of the stoppage of the supplies of wheat.

A congestion of coal trucks in all the northeastern ports through the inability to load colliers is disorganizing the railroads.

The ship owners association of the United Kingdom met in London today and adopted resolutions in favor of a moderate increase in the wages of certain points and recommended that the association fix a standard rate for wages. The meeting, however, opposed the demand for the recognition of the sailors and firemen's union. The general attitude of ship owners showed a weakening from their stand against the strikers. Many ships are ordered to sail and this fact, combined with continued pressure from the board of trade to effect a conciliation, lead many to believe the strike will not be much further prolonged.

Spreads to Holland. Amsterdam, Holland, June 28.—Work on the docks practically ceased today. The striking dockmen are parading the streets and large forces of cavalry and infantry are guarding the ships.

Carters employed in moving cargoes threaten to join the strikers unless their pay is increased before Saturday night.

ARBITRATION WITH ENGLAND SETTLED
Treaty Agreement Is Practically Decided Upon at Conference.

Washington, D. C., June 28.—After a conference between president Taft and ambassador Bryce, of Great Britain, announcement was made at the white house that the arbitration treaty between the United States and Great Britain was practically complete and with the exception of a few comparatively unimportant details the terms of the treaty had been agreed upon.

AMERICAN YACHT WINS INTERNATIONAL RACE. Kiel, Germany, June 28.—The American yacht Bibelot, won the fifth international yacht race today and captured the emperor William cup, offered for the winner of the series of races.

CUMMINGS DECLARES MEASURE IS OBVIOUSLY UNJUST AND OFFERS AMENDMENTS.

PROTESTS AGAINST POWER USURPATION

Washington, D. C., June 28.—The fight against Canadian reciprocity in the senate was formally opened today by senator Cummings of Iowa, who in presenting a number of amendments to the bill, denounced it as obviously unjust.

He protested against the "usurpation of legislative power" by the president and declared he did not believe the president could lawfully make a proposal to Canada, or receive one from that country. He declared congress was the only power that could make the proposal for reciprocity.

Senator Cummings announced he would cooperate in any attempt to get lower duties on other tariff bills.

Cummins on Reciprocity. Referring to the Canadian reciprocity as "the drama now in progress in the senate of the United States," senator Cummings, of Iowa, today delivered a speech on the reciprocity bill and offered important amendments to its agricultural provisions.

Bristow on Taft's Position. Senator Bristow of Kansas, insurgent Republican, in today's reciprocity debate declared that president Taft does not represent the majority of the Republican party on the reciprocity bill.

"He does not represent the majority of the Republicans in the house or senate," said he, "and I do not believe he represents a majority of the Republicans of the country."

GIRL LEAPS FROM WINDOW TO DEATH
Arrives From Honolulu En Route to Boston and Ends Life.

San Francisco, Cal., June 28.—Miss Florence R. Cushing, of Boston, Mass., who arrived here yesterday from Honolulu, jumped from the seventh story of a hotel today and was instantly killed. A note found in her room said troubles had made her desperate and asked that her brother, C. E. Cushing, of Needham, Mass., be notified.

Miss Cushing registered without giving her address, as Miss F. Cushing. From the note which she left, she made it clear that she had wanted to jump overboard from the vessel, but found no opportunity.

Gets Spiritual Uplift While Lifting Others
Elevator operation is an elevating occupation (Joke).

It remains for James Jones, the elevator tender at the Two Republics building to apply this well worn saw practically. Jones, who is a kindly faced man with a gray mustache and glasses, has a Sunday school lesson leaf in front of him all the time he is operating the elevator in the Two Republics building.

He sits in a chair with the lesson leaf in front of him and studies it carefully when the car is not in operation. It sometimes takes Jones all one day to finish reading and digesting one lesson when business is brisk in the office building.

ALL OFFICIALS AT JUAREZ CUSTOM HOUSE TO BE RELIEVED FROM DUTY ON JULY 1.

AGUA PRIETA AND NACO ARE INCLUDED

Pedro E. Maese, customs collector in Juarez and the entire force of customs clerks will be placed July 1 by a new force, Ernesto Madero, secretary of haciendas in de la Barra's cabinet, sent word to this effect to collector Maese, Tuesday night.

Alonso J. Aspe, at present collector of customs at Ciudad Porfirio Diaz, now Piedras Negras, will arrive in Juarez in the next few days to succeed Mr. Maese as collector. Mr. Maese does not know where he will be sent at present, but will leave in a few days for Chihuahua. The clerks of the custom house will be appointed by the officials in Mexico City. Between 15 and 20 clerks in all will be ousted from their jobs by the new order.

Berea Goes to Piedras Negras. Adolfo A. Berea, who was the collector of customs in Juarez for nearly five years, under the federal regime, will be sent to Ciudad Porfirio Diaz (Piedras Negras) to succeed Alonso Aspe who will come to Juarez.

Other Places Affected. The order from Ernesto Madero, making the changes in the customs house employees, is effective also in Agua Prieta and Naco, Sonora, besides Juarez. Entirely new forces will be placed in these towns to succeed the present provisional employees.

No Reason for Change. The reason for the change in the customs houses is not known and came as a surprise to the men who will be affected by the change. Post Aspe, who will come to Juarez, and Berea, who will be sent to Ciudad Porfirio Diaz are former federal employees, and their appointment on this account causes even greater surprise.

GOVALEZ WELL RECEIVED, SAYS EX-ATTORNEY GENERAL
Governor Abram Govealez is being well received in Chihuahua, according to a statement made yesterday by J. M. Jandara, former attorney general of the state of Chihuahua, who was here Tuesday on a business trip.

LEFT HAND, CHIEF OF ARAPAHOS, DEAD
Darlington, Okla., June 28.—Left Hand, for years chief of the Arapahos, is dead at his home near here. He was 83 years old and one of the most famous warriors of the early days of the west.

One of his most prominent fights was the massacre of Maj. Joel H. Elliott and 19 men the day Gen. Custer fought the battle of Washita, near the present town of Cheyenne, Okla. The bodies of the slain men were not found for a week.

DOCTORS HAVE BUSY DAY IN LOS ANGELES MEETING
Los Angeles, Cal., June 28.—With 13 different sections in session at once, the doctors assembled here for the 32nd annual session of the American Medical association, had their hands full of work today.

Better sanitation of cities, improvements in public health which would save annually millions of dollars and cut down the death rate, were among the subjects discussed.

THE COLONEL MISSED THIS FAMILY DISPLAY.
Col. Roosevelt, when he was here last February, made a point in his speech about the nation needing larger families. He should have been here this morning when Lupe Gonzales and her 18 children endeavored to board the Santa Fe train for Austin, Texas. The children ranged in years from one up to 15, and appeared to be taking their first trip on a choo-choo train.

With a fitness of things the rain ceased after it had accomplished its purpose of cooling the parched city. It did not stop as it started, but modulated off into a flute like patter that glistened in the light of the late afternoon sun which broke through rare clouds over the mountain and painted a rainbow arch across the eastern sky.

TWO LUMBER MEN ADMIT THAT THEY DID NOT HELP ELECT HIM.

OFTEN SAW HINES BUT THAT WAS ALL

Washington, D. C., June 28.—Adherents of senator Lorimer had their inning today before the senate committee investigating his election, when Hugh McLean, of North Tonawanda, N. Y., and John McLeod, of Buffalo, N. Y., both lumbermen, swore that they knew absolutely nothing about the raising of a fund to elect senator Lorimer.

Both men came to Washington on different occasions being interested in different lumber legislation, each time meeting Edward Hines, the Chicago lumberman, who was charged with saying he raised money "to put Lorimer over at Springfield."

Mr. McLean testified that Mr. Hines had never mentioned to him that he was in any way connected with the election.

Will Be Reported. The senate committee on census today agreed to report the congressional reapportionment bill without amendment, providing for 433 representatives, notwithstanding possibly all the committee members had expressed themselves as opposed to the increased representation.

The bill provides for 42 representatives over the present number and was framed so as to prevent a decrease of the membership from any state. Three of the 10 members, senators La Follette, Dupont and McLean, voted in the negative, but while expressing disapproval on the increase the other seven decided to allow the house to have its way in a matter so peculiarly pertaining to its own affairs.

The report will be withheld for a week to give Mr. La Follette time to prepare a minority report which will be presented by senator Bailey.

The Sugar Probe Continues. W. C. Olmsted, of the firm of Aruckle Bros. of Brooklyn, told the house "sugar trust" investigating committee today that trade sugar was in this country had practically ceased and that conditions in the trade were very fair, though not ideal in sugar.

"Where does the condition fall short?" asked representative Madison.

"The cane sugar refiners are not making enough money," he attributed this to overproduction, too much refining capacity, the beet sugar industry as now protected, etc.

"If we took the tariff off beet sugar, what would happen?"

"Cheaper sugars," he would operate half the capacity and the beet sugar people would be kept at home. We do not like it when the beet sugar people invade our territory."

"Then you want free trade in sugar?"

TORREON RESIDENTS ASK \$1,500,000 FOR DAMAGE TO PROPERTY IN BATTLE.

HEAVIEST DAMAGES MADE BY CHINESE

Torreon, Mexico, June 28.—Claims aggregating \$1,500,000 have been filed against the Mexican government by citizens of Torreon as a result of the capture and destruction of property in Torreon on May 15.

A steady progress is being made in the investigation of the claims and daily meetings are being held by the committee consisting of Francisco Larrea, Rafael Aldape Quiron, Lerman Grise, Blervendo Bellen and Ing. R. Cepeda. To date 248 claims have been acted upon.

The work of the committee is made arduous on account of the broad scope of information required in determining the amount of damages reasonably to be awarded. In estimating the losses of the Chinese gardeners it is essential to determine whether or not certain areas are capable of yielding the amount of produce claimed to have been destroyed on the premises. There are also cases where excessive sums have been claimed in the value of household goods destroyed.

The Chinese Bank Claim. There may be a difference of \$25,000 in the settlement of the claim of the Chinese bank, belonging to the Wah Yick company, which was looted and the interior destroyed. The company claims \$150,000 damages, including \$28,000 which was on deposit in the safe and was stolen. This last item has been verified and approved.

Trevino Claims \$117,000. The largest claim aside from the Chinese is that of Tomas Zertuche Trevino, whose claims are included in the \$117,000. Agustin Victorero y Hino, claims \$52,000.

The Casino de la Laguna has entered a claim of \$30,000. The Casino has been completely sacked but an order issued on May 16 by Emilio Madero requiring all stolen goods to be returned within 24 hours caused much of the furnishings to be replaced. The heavy loss is claimed principally in the complete destruction of the huge French plate mirrors and the library. The contents of the Casino was opened this week.

Heavy Damages Claimed by Chinese. The Chinese Reform Society claims \$20,000 damages to their club rooms and contents. Joe Chuck and Chu Dan through Wong Foon Chuck, have entered a claim for \$58,000 far damages sustained by the Chinese laundry. The same parties claim \$18,000 damages to the Chinese gardens. Foon Chuck asks for \$18,000 for losses sustained in the destruction of the contents of the railroad eating house.

Will Be Paid Promptly. The services of two stenographers are required constantly by the committee in the investigation of these claims. This may consume three or four weeks longer, and the repairs will then be submitted to Emilio Madero for transmission to Mexico City and when approved by the central committee in the capital it is believed they will be promptly paid. The total will reach \$1,500,000.

Forty claims are yet to be acted upon.

WARRANT CHARGES MOSBY WITH MURDER
Los Angeles, Cal., June 28.—A warrant charging murder and arson has been issued for the arrest of "Ben Mosby," of the Mexican insurgents, according to deputy United States attorney Stewart. Mosby is now held at Fort Rosecrans, San Diego, on a charge of being a deserter from the United States army. An attempt will be made to have him brought here.

FEDERALS FIGHT MAGONISTA BAND
Del Rio, Texas, June 28.—A detachment of 70 federal soldiers and a band of 200 Magonistas exchanged shots near Del Rio, Texas, Saturday. They were taken to the Mexican line at the Juarez and marched to the federal camp in the Mexican town. The troops came in special cars. Their guns and ammunition were securely locked in box cars and under guard of American troops.

JUAREZ SOLDIERS ARRIVE AT CAMP IN TIA JUANA. San Diego, Cal., June 28.—Two hundred Mexican troops from Juarez arrived at San Diego today. They were taken to the Mexican line at the Juarez and marched to the federal camp in the Mexican town. The troops came in special cars. Their guns and ammunition were securely locked in box cars and under guard of American troops.

STATEHOOD ACTION MAY BE POSTPONED

Washington, D. C., June 28.—The senate will not act this session on the admission of Arizona and New Mexico, and the matter will go over until next winter.

This has been practically settled, although no formal action has been taken.

Senator Smith, chairman of the territories committee, told the president today that the committee had agreed on the bill already passed by the house with certain minor amendments and said he would report it to the senate in a few days.

THREATEN TO REVOLT. "New Mexico Republicans are telling the president that if admission does not come soon the people, in disgust, will throw the state to Democrats. Arizona Republicans are maneuvering to hold off admission. Curry says 'if there is delay the Democrats will carry New Mexico at the first election.'"

The Washington Times carries the above today, and the friends of New Mexico are not inclined to believe that the Times has any information they do not have, and they say admission will have to be at this session.